

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52771 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- BALIYA District- Begusarai

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Ankit @ Ankit Kumar S/O Late Ravindra Singh, R/O Vill- Sihma- Utarbari
Tola, P.S- Matihani, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate
For the Opposite Party : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Shubhesh Pandey, the learned counsel
for the petitioner and Mr. Akshay Lal Pandit, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
21.05.2024, in connection with Ballia P.S. Case No. 78 of 2024,
FIR dated 04.03.2024, registered for the offences punishable
under Section 394 of the Indian Penal Code and under Sections
25(1-b)a, 26 and 27 of the Arms Act.

3. According to the prosecution case, the informant
along with the owner of the jewelry shop namely, Santosh
Kumar, were on the way to the owner's house, keeping various
gold and silver ornaments and Rs. 50,000/- (Rupees fifty
thousand only) cash in a bag. It is further alleged that as soon as
they reached Durga Asthan Mandir, three persons on a
motorcycle surrounded them and snatched the bag. It is further



alleged that while leaving from the place of occurrence, the arms and slipper of one co-accused persons fell on the ground.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and name of petitioner transpired during investigation on the basis of confessional statement of the co-accused persons namely, Shubham Kumar @ Khakhra and Anurag Kumar @ Gujja and later on the petitioner confessed his guilt in the present occurrence. He further submits that it is evident from the case diary that nothing has been recovered from the conscious possession of the petitioner and till date no *Test Identification Parade* has been has been conducted by the prosecution and except the aforesaid, no other cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has confessed his guilt in the present occurrence and apart from that, petitioner



carries three criminal antecedents other than the present, however, he fairly admits that out of three cases, petitioner is on bail in two cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with **Ballia P.S. Case No. 78 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed



his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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